

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE  
DEFIBRILLATORS PRODUCTS  
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to All Actions

**PRETRIAL ORDER NO. 22**

In response to the Court's Orders and Guidant's motions to dismiss and/or compel discovery, a recurrent theme has emerged—certain individual plaintiffs claim that their failures to comply with the Court's Orders should be excused because they did not have notice of the Orders and/or motions. The Court can only assume, then, that its previous Orders have been unclear as to the role of the individual plaintiffs in this MDL action. Therefore, this Order serves to remind all parties of their obligation to register for CM/ECF.

This Court uses an electronic case filing system, known as CM/ECF, that allows for electronic service of process. *See* D. Minn. L.R. 5.1; *see generally* Electronic Case Filing Procedures for the District of Minnesota. Attachment A to PTO No. 2, which can be found at the Court's website, [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov), and which was sent to all parties shortly after they filed their complaints, requires all parties to file a Notice of Appearance and to register for CM/ECF so that the parties may receive notification of all filings in their individual cases and in the MDL action.<sup>1</sup> Many plaintiffs have failed to

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<sup>1</sup> If a plaintiff's counsel represents more than one plaintiff, he or she must file a notice of appearance in each case.

comply with Attachment A to PTO No. 2 and/or have failed to provide the Court with an updated email address. Those plaintiffs are now on notice that they must register for CM/ECF and provide the Court with correct contact information.

The Court recognizes that the numerous orders entered in this MDL action may be daunting to an individual plaintiff. This fact, however, does not excuse a plaintiff from actively participating in his or her case simply because the case is part of an MDL action. Each individual plaintiff shall familiarize themselves with the Court's Orders<sup>2</sup> and the Local Rules of the District of Minnesota and actively participate in his or her case. Failure to do so could result in sanctions.

Consistent with their duties outlined in PTO No. 2, Plaintiffs' Lead Counsel and Plaintiffs' Liaison Counsel shall communicate this Order to each individual plaintiff to ensure that each plaintiff is personally aware of this Order. If any plaintiff has questions about this Order or other Orders, the plaintiff should contact the Court, Guidant, or Plaintiffs' Lead Counsel and Plaintiffs' Liaison Counsel. The contact information for the Court, Guidant, or Plaintiffs' Lead Counsel and Plaintiffs' Liaison Counsel is listed on the Court's website. The Court is willing and available to answer any questions an individual plaintiff may have, and it expects Guidant and Plaintiffs' Lead Counsel and Plaintiffs' Liaison Counsel to do the same.

Dated: October 10, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court

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<sup>2</sup> All of the Court's Orders can be found on the Court's website. Plaintiffs should pay particular attention to PTO Nos. 2, 5, and 16 and the Orders entered in the individual cases related to the PFSs and medical authorization forms.